

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Case No: 03-2014

DANIEL R. SMITH

v.

PHILLIP L. JOHNSON, Superintendent, and
TIMOTHY G. COLLINS, Publication Review Committee

David R. Smith,

Appellant

On Appeal From the United States District Court
for the Western District of Pennsylvania
District Court No.: 03-cv-01281
District Judge: The Honorable Donald E. Ziegler

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
October 26, 2006

Before: SMITH, WEIS, and
NYGAARD, *Circuit Judges*

JUDGMENT

This cause came to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted on October 26, 2006. On consideration thereof, it is now ORDERED and ADJUDGED that the judgment of the District Court entered on March 25, 2003, be and the same hereby is AFFIRMED in part.

We REMAND to the District Court for proceedings consistent with this opinion. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron

Clerk

Dated: November 1, 2006

Certified as a true copy and issued in lieu
of a formal mandate on 11/27/06

Teste:
Clerk, U.S. Court of Appeals for the Third Circuit

Marcia M. Waldron

Marcia M. Waldron, Clerk